

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IRON BRIDGE MORTGAGE FUND,  
LLC,

Plaintiff,

v.

SERGIO ALVAREZ,  
Defendant.

Case No. 20-cv-08581-PJH

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

Re: Dkt. No. 43

Defendant's motion to dismiss plaintiff's first amended complaint came on for hearing before this court on June 10, 2021. Plaintiff appeared through its counsel, Jacoby Perez. Defendant appeared through his counsel, Donald Schwartz and Lawrence N. Daniels. The parties having been heard, and good cause appearing, the court hereby **GRANTS** defendant's motion for the reasons stated at the hearing.

In its opposition, plaintiff voluntarily dismisses its first cause of action for negligence. Dkt. 48. Plaintiff confirmed such dismissal at the hearing. Dkt. 52. Accordingly, the court dismisses that claim with prejudice.

The two remaining claims are dismissed with leave to amend for failure to allege fraud in accordance with Rule 9(b) among other reasons. The court allows plaintiff 28 days from the date of the hearing to file a second amended complaint correcting all deficiencies in the remaining claims. No new claims or parties may be added without the agreement of defendant or leave of court. The court allows defendant 21 days to respond to plaintiff's second amended complaint.

United States District Court  
Northern District of California

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**IT IS SO ORDERED.**

Dated: June 11, 2021

/s/ Phyllis J. Hamilton

PHYLLIS J. HAMILTON  
United States District Judge